

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ARTISAN MANUFACTURING CORPORATION, :

Plaintiff, :

- against - :

ALL GRANITE & MARBLE CORPORATION., :

Defendant. :
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Civil Action No.:
07 cv 11278 (WHP)

**DECLARATION OF ALLISON DAVIES IN SUPPORT OF PLAINTIFF'S MOTION
FOR A PRELIMINARY INJUNCTION, TEMPORARY RESTRAINING ORDER AND
ORDER FOR EXPEDITED DISCOVERY**

ALLISON DAVIES, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct to the best of her knowledge:

1. I am an investigator employed by Abacus Security. I make this declaration in support of the motion filed by Plaintiff Artisan Manufacturing Corporation ("Artisan") in the above entitled action.

2. On November 6, 2007, at the direction of the law firm Arnold & Porter LLP, attorneys for Artisan in this action, I visited the showroom of Defendant All Granite & Marble Corporation ("All Granite") located at 5001 Hadley Road, South Plainfield, New Jersey 07080.

3. Upon entering the showroom, I observed that the protocol for customers is to look at the displayed countertops, each of which contained an installed sink, and take a flyer for each countertop in which the customer is interested. The customer then walks to a waiting area and waits in a line until a representative calls that customer.

4. Following this protocol, I picked up a flyer and waited for assistance from a representative. The representative that called me was Peter Bucko. Based on the type of tile and

dimensions I provided to him, Mr. Bucko printed out an estimate of the cost to purchase and install the countertop.

5. Next, Mr. Bucko took me over to the sink displays and told me that a free sink is provided with the installation of a countertop when the customer provides a coupon from "The Clipper," a coupon circular distributed by mail. He then demonstrated the qualities of the various sinks on display by describing the gauge and banging on two sinks to show the difference in sound. Mr. Bucko pointed to the "D" shaped double sink with the serial number 8455R and a price of \$250 and told me that it was a 16-gauge Artisan sink, which, he explained to me "were tougher and better" than others in the market. I then showed Mr. Bucko an advertisement for an Artisan sink from *Kitchen Trends* magazine and Mr. Bucko confirmed to me that the Artisan 8455R sink would be the one installed with the countertop for free as long as a coupon was provided.

6. On November 27, 2007, I returned to the All Granite showroom to place an order for a countertop and sink. During that visit, a sales representative named Chris was assigned to help me. I provided Chris with measurements and the type of countertop I wished to order so that he could prepare an order form for me. He told me how much the order would cost and said that there would be a charge for the sink installation. At that time, I provided him with a coupon from "The Clipper," which offered a "free sink" with installation of a kitchen countertop.

7. I asked Chris what kind of sink would be installed, and he directed me to a display of sinks from which I could select the one I preferred. Before walking over to the display, I asked Chris about the brand of sink that would be installed and mentioned to him that on a prior visit, Mr. Bucko had told me about Artisan sinks. Chris confirmed that I could select an Artisan sink to be the free sink that would be installed. Chris and I then walked over to the sink display, and he confirmed for me that the "D" sink on display was an Artisan sink.

8. Chris finalized the order, which he said would cost approximately \$2,910.31, plus a charge for the sink removal and tax. We then visited the warehouse area of the store. I asked to see the specific sink that would be installed, and Chris said he could not show it to me because they were not stored in the warehouse, but he confirmed with me twice while we were in the warehouse that an Artisan sink would be installed.

9. On November 28, 2007, a representative from All Granite called me to finalize a time for preparing the template for the new countertop that would be installed in the home of Joseph Amabile, Artisan's Regional Sales Manager. I set up the time for the following day.

10. Mr. Amabile informed me that on November 29, 2007, All Granite took the measurements and removed his old countertop from his kitchen, although they left it in his driveway. On December 3, 2007, All Granite called me to finalize the bill, which, with the removal charge and tax, came to \$3,813.89.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT. EXECUTED ON JANUARY 7, 2008.


ALLISON DAVIES